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6 **UNITED STATES DISTRICT COURT**
7 **SOUTHERN DISTRICT OF CALIFORNIA**
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9 ERNEST J. BROOKS, III,

10 Petitioner,

11 v.

12 KEN CLARK, Warden, et al.,

13 Respondents.

Civil No. 08cv0125-JM (BLM)


**ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS**

14 On January 22, 2008, Petitioner, a state prisoner proceeding pro se, submitted a Petition
15 for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Because Petitioner did not pay the
16 filing fee or move to proceed in forma pauperis, the Court dismissed the action without prejudice
17 for failing to satisfy the filing fee requirement.

18 Petitioner has now filed a Motion for leave to proceed in forma pauperis. (Doc. No. 4.)
19 Petitioner has no funds on account at the California correctional institution in which he is
20 presently confined. Petitioner cannot afford the \$5.00 filing fee. Thus, the Court **GRANTS**
21 Petitioner's application to proceed in forma pauperis, and allows Petitioner to prosecute the
22 above-referenced action as a poor person without being required to prepay fees or costs and
23 without being required to post security.

24 **IT IS SO ORDERED.**

25 DATED: March 17, 2008

26 
27 Hon. Jeffrey T. Miller
United States District Judge

28 Copies to: ALL PARTIES